

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JEROME K. HAMILTON, a/k/a	:	
ELOHIM CHEIKH AHMED,	:	
	:	
Plaintiff,	:	
	:	C.A. No. 04-1422 (GMS)
v.	:	
	:	JURY TRIAL DEMANDED
CATHY L. GUESSFORD, REBECCA	:	
MCBRIDE, ROBERT F. SNYDER, THOMAS	:	
L. CARROLL, and STANLEY W. TAYLOR,	:	
JR.	:	
Defendants		

PARTIES JOINT STATUS REPORT

1. **Jurisdiction and Service:** This Court has jurisdiction under 28 U.S.C. §§1343 and 1367. All parties have been served and are subject to the Court's jurisdiction.
2. **Substance of the Action:** This matter is brought pursuant to the provisions of 42 U.S.C. §1983 alleging violations of the rights secured to the plaintiff by the United States Constitution, specifically cruel and unusual punishment, as well as deprivation of liberty without due process, and unlawful imprisonment. The substance of the claim is that the plaintiff, who was incarcerated in the Delaware Correctional System, was held in prison five (5) years after his scheduled release date. This fact is undisputed by virtue of an opinion issued by the Delaware Supreme Court: Hamilton v. State, 831 A.2d 881 (Del. 2003)(Defendants dispute this fact). Defendants deny that they violated plaintiff's rights in any way and deny that they engaged in any wrongdoing.
3. **Identification of Issues:** The factual issues that need to be resolved are the examination of the substantial documentary records of the plaintiff's incarceration, as well as

discovery concerning the reasons for the defendants' errors. In addition, the defendant will be asserting a defense of qualified immunity.

4. **Narrowing of Issues:** The parties will try to narrow the issues prior to the completion of litigation. It is expected that the defendant will file a motion for summary judgment.

5. **Relief:** The plaintiff seeks monetary relief in such amount as this Court shall award representing his pain and suffering and violation of his rights for five (5) years unjustified imprisonment, as well as for physical and mental injuries, which required medical attention resulting from such improper imprisonment.

6. **Amendment of the Pleadings:** None is expected.

7. **Joinder of the Parties:** No parties are expected to be added.

8. **Discovery:** The parties have already initiated written discovery the answers to which should be completed in the near future. It is anticipated that there will be a second round of written discovery and a significant number of depositions of the plaintiff as well as all the defendants and/or related individuals.

9. **Estimated Trial Length:** The length of this trial is to be determined, as to whether or not it proceeds as a jury or non-jury trial. The pro se complaint filed by the plaintiff requested a jury trial. However, at this time the plaintiff would waive a request for a jury trial. The defendant did not request a jury trial, and if the Court allows the waiver of a request for a jury trial, then this matter would be tried to the Court. The defendants do not consent to withdrawal of the jury trial demand. See: Fed. R. Civ. 38(d) and 39(a).

10. **Jury Trial:** See Item No. 9.

11. **Settlement:** Initial settlement discussions have occurred. The defendants are not willing to contemplate a settlement at this time. The plaintiff suggests that referral to the Magistrate for mediation would be appropriate.

12. **Other Matters:** None.

13. The counsel for the parties in this matter have conferred and approved this joint status report.

ABER, GOLDLUST, BAKER & OVER

/s/ Gary W. Aber
GARY W. ABER (DSB #754)
702 King Street, Suite 600
P.O. Box 1675
Wilmington, DE 19899
302-472-4900
Attorney for Plaintiff

/s/ Eileen Kelly
EILEEN KELLY (DSB #2884)
Department of Justice
Carvel State Office Building
820 N. French Street
Wilmington, DE 19801
(302) 577-8319
Attorney for Defendants